

HISTORIC PRESERVATION COMMISSION

Minutes

February 19, 2009

The Historic Preservation Commission for the City of Salisbury met in regular session on Thursday, February 19th in the Council Chambers at the City Hall, 217 S. Main Street.

The meeting was called to order by the Vice-Chairperson, Susan Hurt. She read the purpose and procedure for the meeting.

In addition to Susan Hurt, the following members were present and introduced: Jack Errante, Deborah Johnson, Judy Kandl, and Andrew Pitner

Absent: Ronald Fleming, Anne Lyles, Kathy Walters, and Anne Waters

Requests for Certificates of Appropriateness

H-02-09 128 S. Fulton St. – Edward & Susan Norvell, owner –

Request: Replace old garage doors with new garage doors: White steel doors with glass window panel on top - C.H.I series 5300 (model 5334)

Edward Norvell was sworn to give testimony for the request. Janet Gapen, staff liaison, was also sworn.

Mr. Norvell informed the Commission that the doors of a garage built new in his rear yard approximately 10 years ago now needed replacement. He testified that the proposed new doors are like the doors that his neighbor, Paul Fisher, has. He presented a picture of the proposed doors, model #5334 from the C.H.I series, which is a carriage style steel door with a glass window panel on top. The color of the door would be white. He stated that the door rolls up to open.

Mr. Norvell informed the Commission that though he prefers and is requesting the style with the windows, he was willing to make changes if they did not think the windows were appropriate.

In reference to a question from Jack Errante, Mr. Norvell stated that the garage faces Fisher St.

Public Hearing

There was no one present to speak in support or opposition to the request.

Deliberation

Susan Hurt stated that 2 mitigating factors would be the fact that the garage doors are not facing the same way as the home, visible from the front of the house, nor is it a historic building.

Judy Kandl noted that the doors are not wood but steel.

Janet Gapen stated that the doors on Paul Fisher's garage are steel and was approved by the Commission several years ago. She further stated that she remembers another HPC approval for a steel roll-up garage door in the West Square historic district.

There were no comments during the deliberation or suggestions that any change should be made relative to Mr. Norvell's request for the garage door with the glass window panel on top. Susan Hurt explained to Mr. Norvell that it was the applicant's position to request exactly what they want and the Commission compares the request to the Design Guidelines to grant or deny the Certificate of Appropriateness.

There being no further discussion, Deborah Johnson made the following motion: "I move that the Commission find the following facts concerning Application #H-02-09 – that Edward and Susan Norvell, owners of 128 S. Fulton Street, appeared before the Commission and sought a Certificate of Appropriateness to replace old garage doors with new white steel doors with glass window panel on top n- C.H.I series 5300 (Model 5534); that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings - Garages and Outbuildings, pages 24-25 of the Residential Historic District Design Guidelines'; mitigating factors: not a historic building, and garage door is not facing a primary street; therefore, I further move that a Certificate of Appropriateness for Application #H-02-09 be granted to Edward and Susan Norvell, owners of 128 S. Fulton Street, to make the changes detailed in the application. "

Jack Errante seconded the motion; all members present voted AYE.

H -03-09 321 E. Bank St. – Historic Salisbury Foundation, owner – Gwen Matthews, applicant; Ken Weaver, agent

Request: (1) Replace non-original door off of right front parlor with window. Window will be the same size and type as the windows approved at the December 11th HPC meeting; (2) Remove awning – not original to the house; (3) Remove old windows on sun porch and replace with new wood windows - same size and kind.

Ken Weaver was sworn in to give testimony for the request. Staff presented slides.

Mr. Weaver requested approval for the removal of a non-original door which had been added to the house when it was divided into an apartment building as an entrance door to the right side apartment. He reminded the Commission that the entrance door into the left side apartment had previously received approval for its removal. The door, he said, would be replaced with a window as it was originally in the house.

Mr. Weaver testified that the window would be recreated with weights like the original windows in the same size and pattern, single pane, divided light with pediment on top and decorative trim.

In response to comments from Jack Errante relative to the guidelines for new windows and doors, Mr. Weaver testified that he would do his best to make it as close to the original as possible.

He continued with the request for the removal of a non-original awning located over the old windows on the sun porch. He informed the Commission that the windows would remain and not be replaced as was to be requested. He said the windows instead would be repaired, cleaned, and caulked.

Mr. Weaver presented a drawing of a balustrade that they would like to put back on the porch which was not a part of the original application. He referred Commission members to the National Register description which stated that the house originally had a turned balustrade on the porch.

Public Hearing

There was no one present to speak in support or opposition to the request.

Deliberation

Janet Gapen informed the Commission that the balustrade request could be approved as a minor work if there was evidence that the balustrade material was original to the porch because it would be reconstructing a feature with some of the original fabric. She said that although the requested material is new, it is proposed to be compatible. However, more evidence is needed to know for sure that it does qualify for minor work approval.

Judy Kandl stated that it might be beneficial to approve as a minor work so that some time could be given to look at the specific code that deals with the height requirements for a railing that is essentially 100% gone.

Mr. Weaver testified that they still have 2 half porch columns with the outlines of where the balusters would have fitted into the columns. He further stated that other houses in the neighborhood, built in about the same time period with the same type column also have the large balusters as those requested.

In response to Susan Hurt who asked if they would be replacing with the original materials, he stated that someone from the National Register saw the remnants of it in or around 1972 but it was now all gone .

Janet Gapen read the guideline in minor works that supports the replacement of missing balustrade with new materials if identical to the original. After which Susan Hurt informed Mr. Weaver that the balustrade request could be submitted for a minor works approval.

Judy Kandl stated that their request to remove an inappropriate door and then replace with an original window at a location where a window was complies with the guidelines.

She further stated that removal of an unoriginal awning complies with the guidelines because it is returning back to the original condition.

Motion

Andrew Pitner made the following motion: “I move that the Commission find the following facts concerning Application #H-03-09 – that Ken Weaver, agent for the Historic Salisbury Foundation, Inc., owner of 321 E. Bank Street, appeared before the Commission and sought a Certificate of Appropriateness to replace a non-original door off of right front parlor and replace with window same size and type as the windows that were approved by the HPC on 12/11/08, and removal of aluminum awning over windows on the sun porch; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Windows & Doors, pages 16-19, guidelines 5 and 15 of the Residential Historic District Design Guidelines; mitigating factors: old windows on sun porch will be repaired and not removed; therefore, I further move that a Certificate of Appropriateness for Application #H-03-09 be granted to Ken Weaver, agent for the Historic Salisbury Foundation, owner of 321 E. Bank Street, to make the changes detailed in the application with the following changes agreed to by the applicant: a balustrade for the front porch of the house was presented to the Commission for approval which can be submitted for a minor works approval.”

Judy Kandl seconded the motion; all members present voted AYE.

H-04-09 110 S. Main St. – Greene Rock U C, owner – William Greene, applicant

Request: Front façade renovation

Jon Palmer, agent for the applicant was sworn in to give testimony for the request.

Mr. Palmer began by reminding Commission members that a minor work was approved last year for removal of the metal cladding and the old projecting canopy from the building. He testified that the new proposal was to completely remove the recessed entry way and to put back a new wood store front. The new store front would include transom windows and a more shallow window display area. In addition, there would be a second dedicated entrance from the 1st floor main entrance to a leasable space on the 2nd floor. He stated that wood inset panels are to be installed below the store front and a projecting awning over the sidewalk, and new wood windows with insulated glazing would be installed in the existing masonry openings on the 2nd floor. Mr. Palmer further testified that the existing parapet which is now a discolored brick would be rebuilt as shown in the detailed elevations presented. He also testified that a line of chipped brick extending into the 2nd story would be repaired with matching brick.

Mr. Palmer informed the Commission that the proposal had been submitted to the State Historic Preservation Office for tax credits, and some initial comments from Paul Fomberg have been received but not the official approval yet. He presented copies of the entry way elevation plan to show the comments and suggested changes from Mr. Fomberg. The changes, he said, have already been incorporated into the plan.

Samples of the proposed paint colors were presented. He testified that the 2 masonry openings in the center of the 2nd story are to be wood framed and painted a beige color to match the granite. The proposed awning color is a shade of green that would match the green inset panels. Mr. Palmer verified Judy Kandl's assumption that the window display area and the tile floor that is to be removed was not original to the building. He testified that they did not know yet what the original configuration was but are still investigating to find out.

Public Hearing

There was no one present to speak in support or opposition to the request.

Deliberation

Judy Kandl began by stating her agreement with the recommendations that have already been made by Paul Fomberg and the State Historic Preservation Office.

She further stated that the removal of the non-original storefront on the 1st floor was appropriate because it would be returning to the configuration and material that historically would have been accurate for the present period of time. The materials on the bottom, she continued, are big enough in scale to be appropriate. Ms. Kandl also said that rebuilding the parapet meets the guidelines of a maintenance issue that is compatible with the style and history of the building; the proposed colors are appropriate, and the wood windows meet the guidelines. She said, "I think everything that's being requested complies with the guidelines."

There being no other discussion, Andrew Pitner made the following motion: "I move that the Commission find the following facts concerning Application #H-04-09 – that Jon Palmer, agent for Green Rock UC, owner of 110 S. Main Street, appeared before the Commission and sought a Certificate of Appropriateness to do a front façade renovation as detailed in the attached plans; that no one appeared before the Commission to support or oppose this request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Storefront, pages 20-22, guidelines 1-7; Chapter 2 – Changes to Buildings - Upper Facades, pages 23-25, guidelines 1-8; Chapter 2 – Changes to Buildings – Masonry, pages 31-33, guideline 1-3; Chapter 4 – Site Features and District Settings – Signage & Awnings, pages 54-56, guidelines 11-13 of the Non-Residential Historic District Design Guidelines; no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-04-09 be granted to William Green, applicant for Green Rock UC, owner of 110 S. Main Street to make changes detailed in the application with the following changes agreed to by the applicant: that the radius awning be made as a simple slope awning, and the proposed wood panels that are in alignment with the storefront window and transom be made into a tile as recommended by the State Historic Preservation Office."

Jack Errante seconded the motion; all members present voted AYE.

H-05-09 130 E. Bank St. – City of Salisbury, owner – Lynn Raker, applicant
Request: Renovation of existing parking lot, including the addition of brick retaining walls, landscaping, decorative lighting, concrete curb and asphalt.

Lynn Raker was sworn to give testimony for the request. Staff presented slides.

Lynn Raker stated that she would be presenting the proposal for the extension of the city hall parking lot.

She began by informing the Commission that there is an issue with a retaining wall located on an adjacent property on E. Bank St. that she would be dealing with through the property owner. She said as soon as they have resolved the issue she would probably need to come back before the Commission for an additional approval.

Ms. Raker testified that the parking lot would probably be asphalt; however, depending upon the budget there was a slight possibility that it could be a porous concrete parking lot. It would have concrete curb and gutter, planted areas which would include 2 trees in each island. She said she would like to grade the site and use the larger planted area to collect some of the run-off in order to contain it on site as best as possible. From the slides an area was noted where some trees and shrubs would also be planted to provide a vegetated buffer.

A picture of the proposed lighting fixture that would be located in the expanded lot was shown, which would match the fixtures that are currently used in the existing lot. She said the poles would be 12 ft. with the light sits on top. In order to meet the new Land Development Ordinance guidelines, a 1-ft. candle would be used. She informed the Commission that the submitted lighting plan may be changed somewhat depending on the 1-ft candle at the property line.

Ms. Raker presented a sample of the red brick that is proposed for the brick planter.

She further informed the Commission that the existing dumpster would probably not be relocated as shown on the plan. She said more than likely the dumpster would stay where it is but she would like to include a new dumpster enclosure in the bid package. The new enclosure would resemble the existing generator enclosure located on the property except it would be solid brick.. She stated that a bike rack is being considered; however, if that happens she would come back to the Commission for that approval.

In reference to the retaining wall on the adjacent property along E. Bank St., Ms. Raker said there were problems that still need to be worked out with the property owner before they proceed further.

In response to Jack Errante's question as to whether or not the brick retaining wall and the dumpster enclosure were to be included as a part of the Commission's consideration, Janet Gopen stated that if the members felt comfortable with the description given of a brick retaining wall, and of a brick dumpster enclosure, both could be approved with the exact locations left to the final design of the site.

In reference to an area on the south side of the lot questioned by Andrew Pitner, Ms. Raker said it would be graded more consistently with a gradual consistent fall toward Bank St. She said the big hump that is there would be smoothed out but without jeopardizing the house that is there.

Judy Kandl asked if the existing parking would stay as it was, to which Ms. Raker testified that the existing parking would remain.

In response to Judy Kandl's question of how the color and texture changes in the proposed porous concrete butting up to the existing asphalt pavement in the parking lot be handled, Ms. Raker said, "I don't think there'll be a problem." She explained that it would be the same as if there was a driveway apron that led into the asphalt.

Public Hearing

There was no one present to speak in support or opposition to the request.

Deliberation

Judy Kandl stated that her major concern was dealt with in the decision to leave the dumpster where it is because it complies more with the guidelines in terms of dealing with a more dressier appearance for the rear of the property.

Andrew Pitner stated that he would prefer that the bike rack be brought back to the Commission for approval. Judy Kandl agreed.

Ms. Raker requested that the bike rack and the dumpster enclosure be removed from the application so that she could come back later for those approvals.

Motion

Judy Kandl made the motion as follows: "I move that the Commission find the following facts concerning Application #H-5-05-09 – that Lynn Raker, applicant for the City of Salisbury, owner of 130 E. Bank Street, appeared before the Commission and sought a Certificate of Appropriateness to renovate the existing parking lot, including the addition of brick retaining walls, landscaping, decorative lighting, concrete curb and asphalt; that no one appeared before the Commission to support or oppose the request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 4 – Site Features & District Setting – Parking & Paving, pages 57-58, guidelines 2,7, 8 and 12; Chapter 4 – Site Features & District Setting – Side & Rear Facades, pages 26-29, guideline 3 of the Non-Residential Historic District Design Guidelines; mitigating factors – none; therefore, I further move that a Certificate of Appropriateness for Application #H-05-09 be granted as amended to Lynn Raker, applicant for the City of Salisbury, owner of 130 E. Bank Street, to make the changes detailed in the application with the following changes agreed to by the applicant: remove the bike rack, remove the lockers, and the dumpster enclosure from the request, and ask for approval of asphalt or porous concrete for paving material, eliminate the 2nd lighting fixture (tear-drop design) that was submitted with the application."

Andrew Pitner seconded the motion; all members present voted AYE.

H-06-09 209-213 S. Lee St. – City of Salisbury, owner – Lynn Raker, applicant
Request: Construction of new parking lot, including removal of overhead wiring and the addition of porous concrete paving, concrete curb, brick walkway, landscaping, decorative lighting, driveway.

Judy Kandl disclosed to the Commission that her office is working with the owner of one of the adjoining buildings to the subject property but she has not been involved. The Chair thanked her for the disclosure and there were no concerns from any other Commission member.

Lynn Raker began her testimony by referencing the 2 existing cottages that are owned by 2 Quasi-city agencies whose interest she is representing as well as the city's. However, she said, there are some land division issues that are still to be settled but that fact should not affect their decisions dealing with the parking lot.

Ms. Raker informed the Commission that the parking lot would be porous concrete. She said it was in a low area and receives a lot of run-off but would be designed to contain the water on the site as much as possible. The parking lot would have curb and gutter and planted areas. In addition it would have a brick connection to the Noble Kelsey Funeral Home parking lot.

Ms. Raker testified that the light fixture for the lot would be different because the environment is more residential. She said although the lights meet the code requirement to be cut-off fixtures the shade for the fixture would be lower in order to eliminate the escape of light from the sides of the luminary. It would be mounted about 12 ft. in height.

In response to a question from Andrew Pitner regarding an existing fence along the edge of the property, Ms. Raker said she was sure it was on the adjacent property and would not be removed. However, a vegetated buffer would be put up in front of it and it would be heavily planted. She stated that there were some volunteer mulberry trees located in the rear area of the funeral home parking lot property line that would be removed but an existing fence that belongs to the funeral home would remain.

Ms. Raker pointed out 2 separate property tracts that do not belong to the city where parking may be left as an easement or may be subdivided off to the city. One of the buildings on the property is owned by the Salisbury Community Development Corp., and the other is owned by Downtown Salisbury, Inc.

In response to a question from Judy Kandl, Ms. Raker said improvements would be done to the public sidewalk. She said she was not sure if it would be brick or concrete at this point. She suggested that they approve it as brick and would come back for approval if concrete. The trash receptacles, she said in response to a question from Andrew Pitner, would be roll-outs and the responsibility of the ultimate business owner.

Regarding questions from Judy Kandl, Ms. Raker said the landscaping would meet all zoning requirements.

Public Hearing

There was no one present to speak in support or opposition to the request.

Deliberation

Susan Hurt began the deliberation and stated that her only concern relative to the request was paving ground. But, she said, it is not residential so does not require the same expectations.

Judy Kandl questioned 2 new proposed parking spaces located very close to an existing house that is currently occupied as both a residence and business. She said her assumption is that it is compliant with the code.

In reference to the spaces noted by Ms. Kandl, Ms. Raker stated that the owners had requested the spaces. She explained that the owners who purchased the building some time ago had the impression that spaces would be put in for their use; however, there was never an actual agreement or contract. Ms. Raker said she would like to include it in the application; however, she does not have an agent form. She asked if it could be approved in concept so that if the spaces are done in collaboration with the owners they may not have to come back.

Janet Gapen stated that since it was a different property with different owners it could not be approved at this meeting. She said it would be best to come back for that approval.

Ms. Raker said she could come back without a problem.

Continuing with the deliberation of the parking lot, Judy Kandl stated that parking at the rear of the building does meet the guidelines; also the materials – concrete for parking and porous concrete – are in compliance with Chapter 4.

Ms. Kandl noted a change in the proposed lighting. Ms. Raker testified that it would be on a 12 ft. pole with a straight horizontal arm rather than the big crook neck.

Janet Gapen stated that if the Commission was comfortable in doing so, they could state in the motion that the fixture would be on a pole comparable with the photo submitted and then note the changes in the arm style.

Motion

Susan Hurt made the following motion: “I move that the Commission find the following facts concerning Application #H-06-09 – that Lynn Raker, applicant for the City of Salisbury, owner of 209-213 S. Lee St. appeared before the Commission and sought a Certificate of Appropriateness to construct a new parking lot including removal of overhead wiring and the addition of porous concrete paving, concrete curb, brick walkway, landscaping, decorative lighting, and driveway; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 4 – Site Features and District Setting – Parking and Paving, pages

57-58, guidelines 2,3,and 4; Chapter 4 – Site Features and District Setting – Landscaping and Streetscaping, pages 59 and 60, guidelines 2 and 7; Chapter 4 – Site Features and District Setting - Lighting, page 61, guidelines 1,2, and 6 of the Non-Residential Historic District Design Guidelines; there are no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-06-09 be granted to Lynn Raker, applicant for the City of Salisbury, owner 209-213 S. Lee St. to make the changes detailed in the application with the following changes agreed to by the applicant: lighting will be on a pole with a lower base than other poles that have been installed in the city and instead of the hook shaped arm for the lamp, it will be a straight arm.”

Andrew Pitner seconded the motion; all members present voted AYE.

H-07-09 116 E. Innes St. – City of Salisbury, owner – Lynn Raker, applicant

Request: Renovation of existing parking lot including removal of overhead wiring and addition of brick paver walkways, landscaping, decorative lighting, brick planters, curbing, asphalt, mid-block crosswalk across E. Innes St. with curb extensions.

Staff presented slides as Lynn Raker gave testimony for the in-fill parking lot, now called the central city lot.

Ms. Raker testified that there are easements that she is working on getting. She explained to the Commission that there is not a way that she could present the plan without showing the areas that encroach into private property. She said she has been working with the owners in the north main area to make the alley more pedestrian, along with lighting and landscaping; yet still be accessible by vehicles. Ms. Raker asked the Commission members to try to look at the plan as a full concept contingent upon the easements coming in from the property owners so that she could start getting the permits required to begin working on the constructions documents needed to get started on the project.

Ms. Raker testified that the project included the renovation of an existing asphalt lot. She said they do not plan to do a full excavation in it, only a top coating process. There would be curb and gutter in the areas of the tree-planting islands. She stated that there is also a center dividing island that is not a walkway but would have some planted areas and brick. She further informed the Commission of a brick walkway along the side of Georgi’s Restaurant that would change to a different brick pavement color. She informed the Commission that the owner of Georgi’s Restaurant and the Okey- Dokey’s building plans to repave and is willing to put in a planted area also and would come back to Commission for approval at that time. Ms. Raker testified that most of the property owners in what is called Hogan’s Alley would to have a pedestrian-only alley in order to cut down on the traffic. She said the alley is not owned by anyone at this point.

She stated that safety at night has been a big issue for the property owners so there would be lighting along the building as well as some planted areas.

Ms. Raker continued by stating that if she can get the approval from DOT, curb bump-outs are proposed for the Innes Street mid-block crossing to try to neck down on the distance that pedestrians have to cross Innes and to slow the traffic down; but no parking spaces would be

moved. However, getting an approval, if any, from DOT would be a long process; even so, she said she would still like the Commission to give that portion of plan consideration in their deliberations.

At the entrance of the parking lot, Ms. Raker testified that there would be some raised brick planters and some small trees or shrubs. In addition, they would like to put in some type of public arts project which she would come back later to get approval of.

The lighting would be the standard fixture that matches what is currently behind city hall and that is used on all of the city's streetscapes.

Public Hearing

Frank Broadway, owner of 107 N. Main St., was sworn in to make comments. Mr. Broadway said they are in favor of updating and improving the parking area which is very much needed as long as the commercial aspect of the area is not forgotten. He stated that he has also heard some of the other business owners say that they feel there is a need to make a more attractive area.

Lynn Raker further informed the Commission that the planters in the parking lot would be spaced so that Mr. Broadway would have access to his back door for deliveries. She said there would be a mountable curb that can be backed over to make deliveries.

Ms. Raker said she has also worked with the truck driver that delivers to Bernhardt's to make sure that he can still maneuver as needed with his 18-wheeler by use of the mountable curb if needed.

Frances Yates was sworn in to make comments on behalf of herself and Wilma Harper, owners of 105 N. Main St. stating that they are in favor of the project. However, she informed the Commission of several concerns: (1) the only access to the 2 back doors of their building for loading or unloading would be to enter the alley (2) the water run-off and moisture problems that would be created with any raising of the brick which could happen when 2 existing window air conditioning units are removed (which is a part of the plan). She said, "We are all in favor of it but we must be sure that we don't cause a big problem for us."

Ms. Yates requested that the entrance off of E. Innes St. be left open. Ms. Raker said, "It will." Janet Gapen made the following comments to the Commission: (1) there appears to be a clear direction that the applicant would be working with the property owners to obtain easements so they can be comfortable in considering the plan being contingent upon obtaining the easements; (2) the comments concerning the moisture problem would be more an engineering issue with the design of the parking lot features and not so much part of the historic preservation review. She said, "The Historic Preservation Commission's primary role is to make sure that the materials, and the overall appearance of the work is consistent with the historic district guidelines."

Deliberation

Judy Kandl stated that the parking lot is a rear façade situation that has become a more public entry point even though it has an interior lot on the back of the building. She said adding nice walkways, plantings, and improved lighting is consistent with Chapter 2 – rear facades and side and rear guidelines. In addition, converting the alleyway into a pedestrian pathway is also appropriate.

After reviewing a picture of the proposed planter, Ms. Kandl commented that it was compatible with the guidelines; as was also stated about the lighting.

Motion

Susan Hurt made the following motion: “I move that the Commission find the following facts concerning Application #H-07-09 – that Lynn Raker, applicant for the City of Salisbury, owner of 116 E. Innes St., appeared before the Commission and sought a Certificate of Appropriateness to renovate the existing parking lot, including the removal of overhead wiring, addition of brick paver walkways, landscaping, decorative lighting, brick planters, curbing asphalt, and mid-block crosswalk across E. Innes St. with curb extensions – photographs and drawings have been supplied for all of the elements ; that Frances Yates and Frank Broadway appeared before the Commission to support this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features and District Setting – Parking & Paving, pages 57-58, guidelines 2,3, and 4; Chapter 4 – Site Features & District Setting – Landscaping & Streetscape, pages 59-60, guidelines 2,7,8, and 12; Chapter 2 – Changes to Buildings – Side & Rear Facades, pages 26-28, guideline 3 of the Non-Residential Historic District Design Guidelines; there are no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-07-09 be granted to Lynn Raker, applicant for the City of Salisbury, owner of 116 E. Innes Street, to make the changes detailed in the application with the following changes agreed to by the application with the following change agreed to by the applicant: that the portion of the parking lot that is on the rear façade of Okey-Dokey and Georgi’s is not included in the current application.”

Andrew Pitner seconded the motion; all members present voted AYE.

H-08-09 429 S. Church St. – Carol Jean Cooper, owner

Request: Replacement of sashes in three windows with Andersen renewal sashes in an effort to improve energy efficiency and operational utility while maintaining the architectural character of the house. – **NOT PRESENT**

H-09-08 120 E. Council St. – SBJA, LLC, owner – Clay Lindsay, applicant

Request: Parking lot modifications to include lighting, landscape and trash enclosure.

Clay Lindsay and Johnny Safrit were sworn to give testimony for the request. Clay Lindsay reminded the Commission that they had already received approval for the beginning of the project but now needed to follow-up approvals for parking lot improvements and a utility wall.

Janet Gapen presented slides of the building and the parking lot.

Clay Lindsay presented drawings of the trash enclosure and the utility wall which would have signage on the street side of the wall.

In response to a question from Judy Kandl, Mr. Lindsay said all the electrical wirings would be on the inside of the wall.

Mr. Lindsay confirmed Judy Kandl's assumption that the locations of the parking lot's pole lights are to be located in the 2 narrow islands in the middle of the lot. He noted that there would be 3. He informed the Commission that the design of the pole light was important because there are not many options available that meet the requirements for a parking lot light in a LEED certified project. He further explained that light pollution was an important part of the certification for a green building so the proposed fixture is a LEED certified fixture. He said none of the light is released into the atmosphere; all the light is down to the parking lot.

In reference to a question from Andrew Pitner, Mr. Lindsay said the existing cobra head light would be removed. The light pole would be 18 ft. and the same scale as the lights on Easy St. Janet Gapen presented slides to show Easy Street and the light pole.

Responding to questions from Judy Kandl, Mr. Lindsay testified that the bulk of the parking lot would be asphalt with blue stone as the stone dividers in the sidewalk. He did not have a sample of blue stone but described it as being a dark heather gray color, a natural sand-tone material.

In his testimony concerning landscaping, Mr. Lindsay testified that were no major trees on the property to be removed. He said, "Everything that is going back will be larger than what's existing."

Jack Errante asked if grading had begun yet; to which Mr. Lindsay said, "There really will not be much grading, it's gonna be just more a removal of the existing asphalt, and then replacement."

Public Hearing

There was no one present to speak in support opposition to the request.

Deliberation

Judy Kandl stated that the landscaping, screening, enclosure, wrought-iron gate, and materials are all compatible to the guidelines and compliant to what is in the area; but the use of the blue stone and the light fixture are questionable to the project.

Janet Gapen stated that the guidelines mention that granite stone, brick, and other various types of stone fall within the types of materials that are appropriate in the historic district.

Mr. Lindsay asked the Commission to keep in mind that the building is a contemporary building in a historic district which makes it different.

Susan Hurt said she thinks the question is whether the lighting goes with a typical building or does it go with what is typical in the district.

Johnny Safrit commented that the nature of the building is that it is a contemporary building that is surrounded by historic structures. He said the proposed fixture was the most appropriate choice they were given from the LEED fixture options.

Judy Kandl read from the Design Guidelines, Chapter 4 - Lighting Guidelines, #2: *Whether lighting the street or parking areas, appropriate fixtures should be selected that are compatible with existing fixtures and the historic character of the district.*

When asked by Ms. Kandl what the pole was made of, Mr. Lindsay said the pole was an aluminum type material in a silver color which would match the trim on the window. He said the objective of the proposed light fixture was for them to disappear, rather than to be a design element. He said it was their choice to use a LEED certified fixture or to use no fixture at all. "No fixture at all is not an option because of security reasons," he said.

Janet Gapen informed the Commission that there had been in the recent past another building renovation proposed that was going for a LEED certification. She said there was at least one design element of the project that was included as a mitigating factor that stated there were certain restraints on the materials due to the LEED certification system.

Judy Kandl stated that the concept of the mitigating factor is fine but she thinks that it should be - "that the building is in a district that was designated historic but it is not a historic building and that its renovation has actually made it a zero."

Mr. Safrit verified Susan Hurt's statement that there would be 3 lights and they are in a row. He said the lights would really be visible at night when they are lit because the strip is heavily planted.

Janet Gapen reminded the Commission that the guidelines are there to provide guidance but the Commission has discretion.

When the Commission was asked by the Chair if there were any other concerns regarding the project other than the lighting there were none stated.

The Chair called for the vote.

Motion

Jack Errante made the motion as follows: "I move that the Commission find the following facts concerning Application #H-09-09 – that Clay Lindsay, applicant for SBJA, LLC, owner of 120 E. Council St., appeared before the Commission and sought a Certificate of Appropriateness to do parking lot modifications to include lighting, landscaping and trash enclosure; that Johnny Safrit appeared before the Commission to support the request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features and District Setting – Parking & Paving, pages 57-58, guidelines 2,3, and 4; Chapter 4 – Site Features & District Setting – Landscaping & Streetscape, pages 59-60, guidelines 1,2, and 6; Chapter 2 – Changes to Buildings – Sides & Rear Facades, pages 26-28, guideline 3 of the Non-Residential Historic District Design Guidelines; mitigating factor: the building is not a historic building but is in the historic district; therefore, I further move that a Certificate of

Appropriateness for Application #H-09-09 be granted to Clay Lindsay, applicant for SBJA, LLC, owner of 120 E. Council Street, to make the changes detailed in the application.”

Judy Kandl seconded the motion. Members Errante, Kandl, and Pitner voted AYE; Hurt voted NO.

Committee Reports

Minors works

There were no questions regarding the submitted minor work approvals.

Other Business

Guidelines for arts – Chapter 4 – Site Features & District Setting

Janet Gapen referred the Commission to the draft of the art guidelines.

She began by explaining that when art is installed in a public place it is highly protected under the constitution; particularly art that expresses a viewpoint or art that has a political message. So in writing the guidelines they had to steer clear of regulating the elements of art that deals with its content through the message, color, design, or materials. Instead they had to focus on the areas that might impact the historic district where it is installed.

Land Development Ordinance Change

Ms. Gapen informed the Commission that the proposed changes to the Land Development Ordinance would add the following items into the ordinance: (1) a group of features that have previously been given blanket approvals by the Commission which include trash receptacles, pedestrian light fixtures, brick sidewalks, standard street lights with cobra cut-off fixtures; (2) temporary art displays if they meet the specified requirements.

She stated that the Zoning Administrator, David Phillips, suggested that the proposal for the temporary display of art be put under the Land Development Ordinance because of the staff time that would be involved in approving art installations annually. Also, the regulation of the art is really off limits. The more permanent installations, she said, would come before the Commission. Any display of art on a temporary basis would not require a Certificate of Appropriateness as long as the site is returned back to its former appearance at the end of a set display period. She further informed the Commission of the following conditions: (1) if there happened to be a specific sculpture that a benefactor would want to buy and donate to the city then it would come back to the Commission for permanent installation; (2) if a temporary art display involves permanent site changes such as the installation of a pedestal or additional paving then that would come before the Commission.

Ms. Gapen stated that the Public Arts Committee is a committee that is working on several different initiatives to introduce art and history into the community. They will coordinate an annual sculpture show where the art would be installed for approximately 9 months. The committee would seek various locations downtown and provide a place for 12-14 pieces of art.

At the end of the period the pieces of art would go back to the owners. The next year there would be different art at probably a different location.

In response to a question from Jack Errante, Ms. Gapen said the art could be located on city property or private property.

In reference to funding for the art show, she stated that it is being coordinated by the Public Arts Committee who will raise their own funds. It would be a combination of funding from private donors and foundations. She said the city has supported the work of the Public Arts Committee and the City Council has endorsed the sculpture show.

Ms. Gapen stated that all changes to the Land Development Ordinance have been approved by the Technical Review Committee and will go before the Planning Board for approval at their meeting on February 24th and then to City Council. The guideline changes will be go directly to the City Council for approval.

Susan Hurt made a motion to recommend approval of the art guidelines by the City Council. Judy Kandl seconded the motion; all members present voted AYE.

Changes to the Land Management Development Department

Ms. Gapen presented a graphic of the department to show some changes in the department that affects the Commission. From the graphic she pointed out that the Historic Preservation Commission is supported by staff from both the Planning Division and Development Services.

She explained that recently the City Manager made the decision to divide the department into two departments: Planning Department and Engineering & Development Services Department. The new Code Services Division falls under the Planning Department.

There are still decisions, she said, to be made concerning exactly who would do what and how the duties would be divided; but the Historic Preservation Commission would still receive support from the same divisions along with Code Services.

Minutes

The January minutes were approved as presented upon a motion from Judy Kandl; seconded by Jack Errante, and members present voting AYE.

Adjournment

The meeting was adjourned at 8:30 p.m. upon a motion from Susan Hurt; seconded by Jack Errante, and all members present voting AYE.

Susan Hurt, Vice-Chair

Judy Jordan, Secretary